

**AN ORDINANCE TO AMEND CHAPTER 92, ALCOHOLIC BEVERAGES,
OF THE CODE OF THE BOROUGH OF CHAMBERSBURG
REVISING AND ADDING THERETO PROVISIONS RELATING TO
BRING-YOUR-OWN-BOTTLE (BYOB) ACTIVITIES**

BE IT ORDAINED BY THE BOROUGH OF CHAMBERSBURG AND IT IS HEREBY
ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. In recognition of the increased proliferation and growing popularity of the practice of citizens to bring alcoholic beverages with them to restaurants, clubs, meeting spaces in the Borough of Chambersburg that are not otherwise licensed by the Pennsylvania Liquor Control Board for serving such beverages; the Borough finds it to be desirable and in the interest of the public to provide a definition for “Bring-Your-Own-Bottle (BYOB) Operation” and to include it as a permitted use in certain zoning districts in the Borough of Chambersburg. Accordingly, the Code of Ordinances of the Borough of Chambersburg, Chapter 92, Alcoholic Beverages is hereby further amended as follows:

Section 2. CHAPTER 92, Section 92-1 is hereby amended by adding thereto the following definition:

BYOB OPERATION – Any business facility, such as a dance hall, club, restaurant, meeting room or association, not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of any entry fee, cover charge or membership fee, or associated with the purchase of non-alcoholic beverages or food, consume alcoholic beverages which said patrons have carried onto the premises also commonly referred to as a “bring your own bottle” operation.

Section 3. CHAPTER 92, Section 92-4 is hereby renumbered Section 92-6 and there is added three new Sections, a new Section 92-4, a new Section 92-5 and a new Section 92-6 to read as follows:

92.4. Authorization of BYOB Operations

BYOB Operations, as herein defined, shall be permitted in the Borough of Chambersburg subject to the following conditions:

- A.** Any person or entity who/which desires to engage in a BYOB Operation must apply to the Borough of Chambersburg for a BYOB Operation Permit pursuant to policies promulgated and fees established by Borough Council from time-to-time, and administered by the Borough Secretary. The permit

FINAL DRAFT – 7/20/2012

shall be prominently displayed at or near the main entrance to the facility in which the BYOB Operation is to occur.

- B.** The BYOB Operation shall obtain and keep in force broad-form general liability insurance coverage of at least \$1,000,000 single limit per occurrence, proof of which shall be filed with the Borough Secretary;
- C.** A BYOB Operation must be in compliance with all applicable Borough Codes, including but not limited to the Borough Health Code, the Pennsylvania Uniform Construction Code as administered by the Borough, the Borough Property Maintenance Code and the Borough Zoning Code;
- D.** Any facility in which or property on which a BYOB Operation is to take place must obtain and display a Borough Retail Food Facility License, and
- E.** All BYOB Operations must post signage identifying the Facility and must conspicuously post the hours of operation at the entrance of the premises in which or property on which the BYOB Operation is taking place, fully visible to patrons from outside the facility.

Section 4. CHAPTER 92, new Section 92-5 shall read as follows:

92.5 BYOB Facilities Performance Standards

- A.** No alcohol may be consumed in the permitted premises between the hours of 11 P.M. and 11 A.M. The Facility owners, event organizers, Facilities managers as well as offending patrons may be prosecuted for violation of this provision.
- B.** Entertainers are prohibited from coming into contact with any patron while performing. Entertainers on the interior of the premises shall not be visible from outside the premises.
- C.** Gambling, lotteries and gambling devices are prohibited on the premises.
- D.** Alcoholic beverages may not be consumed by minors under twenty-one years old.
- E.** The consumption of alcoholic beverages on the premises by visibly intoxicated persons shall be prohibited.
- F.** Accurate and complete records shall be maintained for the operation of the activity.

FINAL DRAFT – 7/20/2012

- G. Business owners and employees shall not be visibly intoxicated on the premises.
- H. Alcoholic beverages shall not be offered as a prize for any activity conducted on the premises.

Section 5. CHAPTER 92, new Section 92-6 shall read as follows:

92.6 Permit fees, Term, Revocation

- A. Any person or entity desiring to permit or engage in BYOB Operations shall pay an administrative fee in amounts which shall be fixed by the Mayor and Town Council by resolution.
- B. BYOB Permits shall be effective for a period of one year from January 1st to December 31st. The renewal fee rate is applicable for uninterrupted operations. Suspended, revoked or temporarily terminated permits are subject to the original Permit fee.
- C. In the event the BYOB Operation fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities as defined in this article during the term of the BYOB Permit so issued, the Police Department shall have the authority to revoke the BYOB Permit for a minimum of six months.

Section 6. CHAPTER 92, Section 92-7 is hereby revised to read as follows:

92.7 Violations and Penalties

Any person or entity who shall violate any provision of Sections 92-2 and 92-3 of this Chapter, upon conviction in a Summary Proceeding shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution and in default of payment of the same to undergo imprisonment for not more than thirty days.

Any person or entity who/which shall violate the provisions of Section 92-4 through 92-6 of this Chapter, upon conviction in a Summary Proceeding, shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution and in default of payment of the same the individual operator, manager, owner or patron as appropriate to undergo imprisonment for not more than thirty days.

Enforcement shall be by the Borough Police Department

FINAL DRAFT – 7/20/2012

Section 7. Severability. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses or sentences of the same.

Section 8. Chapter 92 of the Code of The Borough of Chambersburg entitled Alcoholic Beverages shall in all other respects be and remain in full force and effect.

Section 9. Effective Date. This ordinance shall take effect on the _____ day of _____, 2012.

ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE BOROUGH OF CHAMBERSBURG
THIS ____ DAY OF _____, 2012.

President of Town Council

ATTEST:

Secretary of Town Council

APPROVED this ____ day of _____, 2012.

Mayor

CERTIFICATION

I, Jamia L. Wright, Borough Secretary, hereby certify that the foregoing ordinance was advertised in the Public Opinion on _____, and _____, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Council held _____.

Jamia L. Wright, Borough Secretary